

0220

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231.

Nov. 20, 1998

David D. McMasters

Date



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant  
Application No.

Filed

For

: James B. Dale

: 09/151,409

: September 10, 1998

: GROUP A STREPTOCOCCAL VACCINES

Docket No. : 481112.410  
Date : November 20, 1998

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts dated September 25, 1998, please find enclosed a Declaration, Election and Power of Attorney, Form PTO-1533 and a Verified Statement Claiming Small Entity Status for the above-identified application.

Also enclosed is a General Authorization under 37 C.F.R. §1.136(a)(3).

Also enclosed is a check in the amount of \$575 for the requisite fees. The fees have been calculated in accordance with applicant's small entity status, as follows:

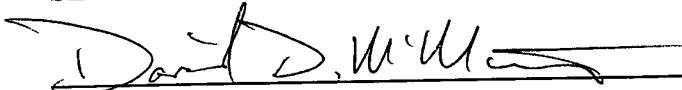
Basic Fee	\$ 380.00
Total Claims (13, 0 extra)	0.00
Independent Claims (2, 0 extra)	0.00
Multiple Dependent Claims Surcharge	130.00
Missing Parts Surcharge	65.00
<b>TOTAL</b>	<b>\$ 575.00</b>

The Assistant Commissioner is hereby authorized to charge any additional filing fees or to credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this response is enclosed.

Respectfully submitted,

James B. Dale

SEED and BERRY LLP



David D. McMasters  
Registration No. 33,963

DDM:mas

Enclosures:

- Postcard
- Check for \$575
- Copy of Form PTO-1533
- Copy of this Response
- Declaration
- Election and Power of Attorney
- Copy of Assignment
- Verified Statement Claiming Small Entity Status
- Copy of Form PTO-1661
- Computer Diskette
- Declaration Regarding Computer Diskette
- Paper Copy of Sequence Listing
- Preliminary Amendment
- General Authorization Under 37 C.F.R. § 1.136(a)(3)

6300 Columbia Center  
701 Fifth Avenue  
Seattle, Washington 98104-7092  
(206) 622-4900  
Fax: (206) 682-6031

u:\float\millicents\0402

APPLICATION NUMBER

FILING RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO./TITLE

09/151,409

09/10/98

DATE

481112-110

11/22/0325

NOT ASSIGNED

DAVID D. McMASTERS  
SEED AND BERRY  
6300 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE WA 98104-7092

DATE MAILED:

11/22/98

11/22/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION

#### Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
 small entity (statement filed)  non-small entity is \$ 950.00

1. The statutory basic filing fee is:

- missing.
- insufficient.

Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- is missing or unexecuted.
- does not cover the newly submitted items.
- does not identify the application to which it applies.

does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.27(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Disha Chawla  
*Disha Chawla*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/20/1998 850000000519999  
RECEIVED  
11/20/1998  
FC:FC:FC:FC:  
0188

## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO./TITLE

09/151,409

09/11/98

DALE

48LM12-410

0222/0925

NOT ASSIGNED

DAVID D McMASTERS  
SEED AND BERRY  
6300 COLUMBIA CENTER  
701 FIFTH AVENUE  
SEATTLE WA 98104-7092

1651

DATE MAILED:

09/25/98

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- 7. OTHER: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- For Rules Interpretation, call (703) 308-1123.
- For CRF submission help, call (703) 308-4212.
- For PatentIn software help, call (703) 308-6856.